

REMARKS

In response to the Office Action dated November 24, 2003, Applicant respectfully requests reconsideration. To further the prosecution of this application, amendments have been made in the claims, and the claims as presented are believed to be in allowable condition.

I. Amendments to the Claims

Claims 1-12 were previously pending in this application. Of those, claims 1-8 were rejected under 35 U.S.C. §101 and/or §112, ¶ 1, because claim 1 was purportedly directed to a single means claim. Rather than amending the claims, all of the previously pending claims have been cancelled, and new claims 13-34 have been added.

The previously pending claims have not been cancelled in response to the rejections over the prior art, or the rejection under §101/§112. Rather, the new claims have been amended to clarify, and in some cases broaden, the subject matter recited herein. In the new claim set, claims 13, 22, 23, 24, 33 and 34 are independent. Claims 13, 23 and 24 are method claims. Claims 24, 33 and 34 each is directed to at least one computer readable medium encoded with a program that performs a method, with the methods in claims 24, 33 and 34 corresponding to those in claims 13, 23 and 24, respectively.

In view of the amendments to the claims, it is believed that the rejection of claims 1-8 under §101/§112 has been overcome.

II. Overview of the Present Invention

In accordance with one embodiment of the present invention, techniques are provided for automatically assigning attributes to computer files, so that the attributes can be stored and later searched by a user to identify the corresponding files. (Specification, page 3, lines 1-6). In one embodiment, the attributes are provided in a data set that includes information relating to a schedule of a user. (See e.g., specification, page 3, lines 7-9). The schedule may include information for events, such as dates and times for the events, as well as additional information pertaining to the event, such as location, names of people associated with the event, etc. (Specification, page 3, lines 11-14).

Once a data set capturing information relating to a schedule has been created, it can serve as a reference against which information regarding computer usage can be checked. (Specification, page 3, lines 18-19). Thereafter, as a user operates a computer, such as to access, modify, delete or save files, usage characteristics of the files (such as the date and time of usage) can be ascertained. (Specification, page 3, lines 19-24). The usage characteristics of the file then can be compared to the data set that includes the schedule data (Specification page 4, line 7). When at least one usage characteristic of the file matches at least one characteristic of the data set, data from the data set can be associated with the file. One example of such a match occurs when the date and time usage of a file corresponds to or overlaps with the date and time of an event defined in the schedule (Specification page 4, lines 8-13). When a match occurs, attributes from the matched event in the schedule (e.g., activity, date, time, location, participants, etc.) can be associated with the current file. (Specification, page 5, lines 5-7). As a result of the association of data from the schedule data set with the file, the user is later capable of searching and identifying the files based upon the associated schedule attributes. (Specification, page 6, lines 2-5).

As seen from the foregoing, one embodiment of the present invention provides a powerful tool for automatically associating information within a data set with a file, based upon usage characteristics of the file. In the schedule example described above, a user can edit a file and have the schedule information automatically associated with the file. For example, a student that uses a computer to take notes during classes can have his schedule laid out in a data set. When the student opens a file, aspects of the present invention can be employed to automatically determine from the student's schedule whether the file has been opened at a time when the student has a class, and if so, can automatically associate information relating to the class with the file. For example, the name of the class can be automatically associated with the file based upon the student's schedule. The associated attributes can then later be searched so that when the student seeks to review all of his/her notes for a particular class, the relevant file will be located. This can greatly facilitate organizing the student's notes, and can be done automatically.

It should be appreciated that the present invention is not limited to the specific examples described above, and that the foregoing explanation has been provided only to facilitate the Examiner's understanding of certain aspects of the present invention. The Examiner is urged to

not rely upon the summary provided above as a basis for distinguishing the claims over the prior art, but rather, to rely solely upon the language of the claims and the arguments below.

III. The Claims Patentably Distinguish over the Prior Art of Record

In the Office Action, each of the previously-pending claims was rejected under 35 U.S.C. §102 as purportedly being anticipated by Sanbongi. As mentioned above, claims 1-12 were not cancelled because of the rejection under §102 over Sanbongi, as each of those claims was believed to patentably distinguish over Sanbongi, for reasons similar to those discussed below in connection with the claims that are currently pending.

A. Sanbongi

Sanbongi is directed to an electronic scheduler wherein date, time and schedule contents are stored in a memory, and then read from the memory to be displayed on a display unit. (Abstract). The Sanbongi system includes schedule information that defines various events based upon time range data, and includes a comparator for comparing an entered time with the time range data to determine whether or not the entered time matches one of the ranges defined in the schedule. The system also includes a display unit for displaying the corresponding schedule data in response to the results of the comparator. (Abstract).

Sanbongi is thus directed entirely to a technique for facilitating the searching of an electronic scheduler to determine matches. For example, Sanbongi describes as an advantage of the disclosed system the ability to search for a particular time (e.g., 10:00) even when the schedule data is based upon time ranges that do not include the precise time being searched (e.g., ranges of 9:00 to 12:00). (Col. 1, lines 27-33). In response to the search and operations performed by Sanbongi, the results are simply displayed on a display device (see e.g., abstract). Thus, Sanbongi does not teach or suggest associating data from the schedule with any file.

B. Claims 13-21 and 24-32

Independent claim 13 is directed to a method for use in a computer system executing a first software program that process a file, the computer system further comprising a data set that comprises data that is independent of the file. The method comprises acts of: (A) comparing at

least one usage characteristic of the file to the data set; and (B) when the at least one usage characteristic of the file matches at least one characteristic of the data set, associating data from the data set with the file.

As should be appreciated from the foregoing, Sanbongi does not teach or suggest associating data from a data set with a file in response to a matching of at least one usage characteristic of the file with at least one characteristic of the data set. In fact, Sanbongi does not teach associating data from the electronic scheduler with any file.

At page 3 of the Office Action, it is indicated that the time range data of Sanbongi is believed to correspond to the characteristics of a computer file and the schedule information to represent a second data set, as set forth in the previous-pending claims. It is respectfully asserted that such an interpretation of Sanbongi cannot correspond to the method recited in claim 13. In this respect, if the electronic scheduler is considered to be the computer file, there is no data set against which the characteristics of the scheduler are compared, as the data set is simply compared against input from the user. In addition, in response to a comparison of the user input data against the schedule data, no association is made of any data from the data set with a file.

As seen from the foregoing, Sanbongi simply does not teach or suggest a method in which, based upon a comparison of at least one usage characteristic of a file to a data set, data from the data set is associated with the file. Therefore, it is respectfully asserted that claim 13 patentably distinguishes over Sanbongi.

Claims 14-21 depend from claim 13 and are patentable for at least the same reasons.

Claim 24 is directed to at least one computer-readable medium encoded with a program that, when executed, performs a method substantially similar to that of claim 13. Therefore, claim 24, as well as claims 25-32 that depend therefrom, patentably distinguishes over Sanbongi for reasons similar to those discussed above in connection with claim 13.

C. Claims 22 and 33

Independent claim 22 is directed to a method comprising acts of: (A) using a computer to create, modify, delete or access a file; (B) comparing at least one characteristic of the file against a schedule comprising events with dates, times and activities; (C) associating a searchable label

with the file when the at least one characteristic of the file matches at least one characteristic of the schedule; and (D) retrieving the file using the label.

As should be appreciated from the foregoing, Sanbongi does not teach or suggest associating a searchable label with a file when at least one characteristic of the file matches at least one characteristic of the schedule, nor the act of retrieving the file using the label. In this respect, as discussed above, Sanbongi is merely directed to a specific technique for enabling an electronic schedule to be searched to identify a match for a specified time, and does not teach or suggest associating a label with a file for any reason, let alone based upon a match being found between at least one characteristic of the file and at least one characteristic of the schedule.

In view of the foregoing, it is respectfully asserted that claim 22 patentably distinguishes over Sanbongi.

Claim 33 is directed to at least one computer-readable medium encoded with a program that, when executed, performs a method substantially similar to claim 22, such that claim 33 patentably distinguishes over Sanbongi for similar reasons.

D. Claims 23 and 34

Independent claim 23 is directed to a method comprising acts of: (A) interfacing with a schedule planning program to import a schedule of events with dates, times, activities, and related data; (B) using a computer to create, modify, delete or access a file; (C) comparing at least one characteristic of the file against the schedule; (D) associating a searchable label with the file when the at least one characteristic of the file matches at least one characteristic of the schedule; and (E) retrieving the file using the label.

As should be appreciated from the foregoing, Sanbongi does not teach or suggest associating a searchable label with a file when at least one characteristic of the file matches at least one characteristic of a schedule, nor retrieving the file using the label. Therefore, it is respectfully asserted that claim 23 patentably distinguishes over Sanbongi and the other prior art of record.

Claim 34 is directed to at least one computer-readable medium encoded with a program that, when executed, performs a method substantially similar to that recited in claim 23, and is patentable over Sanbongi for similar reasons.

Serial No.: 09/916,922
Conf. No.: 8770

- 12 -

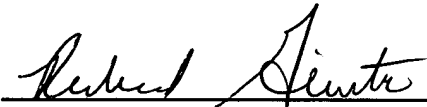
Art Unit: 2171

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that the application should now be in condition for allowance. A notice to this effect is respectfully requested. If it is believed that the application is not in condition for allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Richard G. Keiser, Applicant

By: 
Richard F. Giunta, Reg. No. 36,149
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. R0558.70001US00
Date: February 5, 2004
x02/24/2004x